

**REMARKS**

This application has been reviewed in light of the Office Action dated November 10, 2004.

Claims 1, 4-11, 15-22 and 25-31 are now presented for examination. Claims 1, 11 and 22 have been amended to more particularly point out and distinctly claim the subject matter regarded as the invention. Claims 1, 11 and 22 are independent. Favorable review is respectfully requested.

Claims 1, 4-11, 15-22 and 25-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gudjonsson et al. (U.S. Pat. No. 6,564,261) in view of Bixby et al. (U.S. Pat.No. 5,317,568). The applicant respectfully submits that independent claims 1, 11 and 22 are patentably distinct from the cited art, for the following reasons.

The present invention, as defined in amended claim 1, is directed to a method for use by a service provider to facilitate communication between customers of the service provider. The method includes the steps of confirming the identity of each customer; transmitting code to each customer to enable encrypted communication; and obtaining information regarding the customer's computing environment; these steps are performed via the Internet. In addition, the claim includes a step of establishing a communication path to each customer by contacting a vendor of connectivity services via the Internet to obtain those services for use by the customers.

It is a feature of the invention that the method includes a step of altering the communication path during the communication, in accordance with a signal from a customer regarding customer requirements (that is, the path may be expanded, contracted or rerouted dynamically; see specification, page 8, lines 3-7).

As noted by the Examiner (Office Action, page 3, lines 6-8) Gudjonsson et al. does not disclose altering the communication path between customers during the communication, in accordance with customer requirements. The Examiner points to Bixby et al. as providing a disclosure of this feature. Bixby et al. is understood to describe a method for managing communications between end users over a network. According to Bixby et al. (col. 3, lines 25-49), system management functions are performed by privileged end users sending

distribution units; the end users are connected to communications managers which determine the communication path, and if necessary configure the distribution unit in accordance with a network protocol (col. 3, line 64 to col. 4, line 4). Bixby et al. thus suggests that a communication path for transmitting an object is chosen, and then the object being transmitted is configured to conform to the requirements of the path. Furthermore, Bixby et al. explicitly states (col. 68, lines 38-40) that the end users are insensitive to the properties of the communication path. This is clearly contrary to the present invention, in which the communication path is altered in accordance with a signal from a customer regarding customer requirements. There is no disclosure or suggestion in Bixby et al. that an end user sends any signal regarding end user requirements. In particular, Bixby et al. does not disclose or suggest that any communication path is altered in accordance with such a signal.

A combination of Gudjonsson et al. and Bixby et al. would at best yield a system in which multiple users can connect in a communication network having one or more servers, the servers running a number of services provided according to a protocol (Gudjonsson et al., col. 8, lines 3-17), in which some of those users perform system management functions by sending messages across a heterogeneous network (Bixby et al., col. 3, lines 27-31), and in which those users are not sensitive differences in communications connectivity in the network (Bixby et al., col. 68, lines 38-46). This combination still would not include the above-noted feature of the invention.

Accordingly, it is submitted that the invention defined in claim 1 would not have been obvious from either of the cited references, or from a combination thereof.

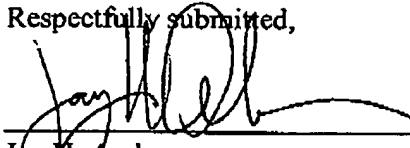
Claims 11 and 22 are directed to a system including a server and a computer program product, respectively, reciting features similar to those discussed above. It therefore is submitted that claims 11 and 22 also are patentable over the cited references, for the same reasons as discussed above.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claims are also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the applicant respectfully requests favorable consideration and early passage to issue of the present application.

The applicant's undersigned attorney may be reached by telephone at (845) 894-3667. All correspondence should continue to be directed to the below listed address.

Respectfully submitted,

  
\_\_\_\_\_  
Jay H. Anderson  
Attorney for Applicant  
Registration No. 38,371

INTERNATIONAL BUSINESS MACHINES CORPORATION  
Intellectual Property Law Department  
B/300-482  
2070 Route 52  
Hopewell Junction, New York 12533  
Facsimile: (845) 892-6363